

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CASS AND CREW INC., LLC,

Plaintiff,

v.

MGI GRAPHICS, INC.,

Defendant.

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Civil Action No. 08- _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Cass and Crew Inc., LLC (“Cass”) for its complaint against Defendant MGI Graphics, Inc. (“MGI”) hereby demands a jury trial and alleges as follows:

NATURE OF THE ACTION

1. This is a civil action for infringement of a United States Patent. This action is based upon the patent laws of the United States, 35 U.S.C. § 1 *et seq.*

THE PARTIES

2. Plaintiff is a limited liability company organized and existing under the laws of the State of Delaware with an office and principal place of business at 5811 Kennett Pike, Wilmington, Delaware 19807.

3. Upon information and belief, Defendant is a corporation organized under the laws of the State of Florida with a principal place of business located at 6709 114th Ave. North Suite #3, Largo, Florida 33773.

JURISDICTION AND VENUE

4. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Upon information and belief, MGI has transacted business and committed acts of infringement within this State and District and is subject to the personal jurisdiction of this Court.

6. Upon information and belief, MGI has offered for sale and sold infringing products within this District.

7. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391 and 1400(b).

COUNT I - INFRINGEMENT OF THE ‘557 PATENT

8. On July 8, 2008, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 7,395,557 B1 (“the ‘557 Patent”) entitled Seamless Upper Body Garment to Cass, as assignee of the inventor Susan D. Ledyard, as confirmed by a Confirmatory and Corrective Assignment, dated *nunc pro tunc* November 7, 2005 and recorded in the U.S. Patent and Trademark Office on July 9, 2008. The ‘557 Patent is in full force and effect. Cass is the legal owner of the ‘557 Patent and possesses all rights of recovery under the ‘557 Patent. A copy of the ‘557 Patent is attached hereto as Exhibit A.

9. The ‘557 Patent is valid and enforceable.

10. MGI has made, used, offered to sell, sold, contributed to the use by others of, or induced the use by others of, and continues to make, use, offer to sell, sell, contribute to the use by others of, and induce the use by others of women’s garments, including at least shapewear sold as “n-fini™” or “n-fini™ shape” products.

11. MGI has infringed, and is still infringing, either literally or under the doctrine of equivalents, at least one claim of the '557 patent in this District and elsewhere by making, using, importing, offering for sale, and/or selling its products, including at least its n-fini™ and n-fini™ shape products.

12. MGI has induced, and still is inducing, the infringement of the '557 patent in this District and elsewhere by selling products, including at least its n-fini™ and n-fini™ shape products, that when used as intended by MGI, infringe at least one claim of the '557 patent, either literally or under the doctrine of equivalents.

13. MGI has contributed to, and still is contributing to, the infringement of the '557 patent in this District and elsewhere by selling products, including at least its n-fini™ and n-fini™ shape products, that are non-staple items that are not suitable for substantial non-infringing uses and that, when used as intended and directed by MGI, infringe at least one claim of the '557 patent, either literally or under the doctrine of equivalents.

14. Cass has been damaged by MGI's infringement of the '557 patent.

15. On information and belief, MGI will continue to infringe, actively induce others' infringement, and/or contributorily infringe the '557 patent. Cass will thereby suffer irreparable injury, unless and until this Court enjoins MGI's infringement.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays this Court to:

A. Enter a judgment that MGI has infringed, actively induced others to infringe, and/or contributorily infringed the Patent-in-Suit;

B. Award Cass damages in an amount sufficient to compensate it for MGI's infringement, active inducement of others' infringement, and/or contributory infringement of the Patents-in-Suit, but not less than a reasonable royalty;

C. Award Cass prejudgment interest pursuant to 35 U.S.C. § 284;

D. Enter a preliminary and permanent injunction enjoining MGI, its officers, directors, servants, managers, employees, agents, attorneys, successors and assignees, and all persons in active concert or participation with any of them, from further acts of infringement of the Patent-in-Suit, pursuant to 35 U.S.C. § 283;

E. Declare this case exceptional under 35 U.S.C. § 285 and award Cass its reasonable attorneys' fees, expenses, and costs incurred in prosecuting this action; and

F. Grant Cass such other and further relief as this Court may deem just and proper.

JURY DEMAND

Cass hereby demands a jury trial on all issues appropriately triable by a jury.

Dated: July 10, 2008

/s/ Mary B. Matterer

Richard K. Herrmann #405

Mary B. Matterer #2696

Amy Arnott Quinlan #3021

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Counsel for Plaintiff

Cass and Crew Inc., LLC

(12) **United States Patent**
Ledyard

(10) **Patent No.:** **US 7,395,557 B1**
(45) **Date of Patent:** **Jul. 8, 2008**

(54) **SEAMLESS UPPER BODY GARMENT**

(75) Inventor: **Susan D. Ledyard**, Kennett Square, PA (US)

(73) Assignee: **Cass and Crew, L.L.C.**, Kennett Square, PA (US)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 274 days.

(21) Appl. No.: **11/270,101**

(22) Filed: **Nov. 9, 2005**

Related U.S. Application Data

(60) Provisional application No. 60/628,522, filed on Nov. 15, 2004.

(51) **Int. Cl.**
A41B 9/06 (2006.01)
D04B 1/24 (2006.01)

(52) **U.S. Cl.** **2/113; 2/DIG. 1; 66/171**

(58) **Field of Classification Search** **2/67, 2/69, 406, 409, 407, 115, DIG. 1, 113, 109; 450/19, 108, 116; 66/161, 177, 171**
See application file for complete search history.

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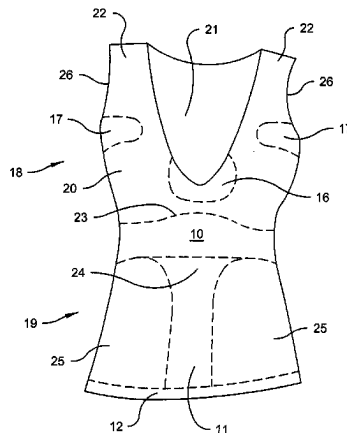
Primary Examiner—Alissa L Hoey

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(57) **ABSTRACT**

A seamless women's upper body garment that functions to lift and enhance the bust line, slim and smooth the upper body and help to improve wearer's posture without creating unsightly visible back lines and bulging. The garment comprises a circumferential band below the bust line and dorsal and ventral vertical support panels.

11 Claims, 2 Drawing Sheets



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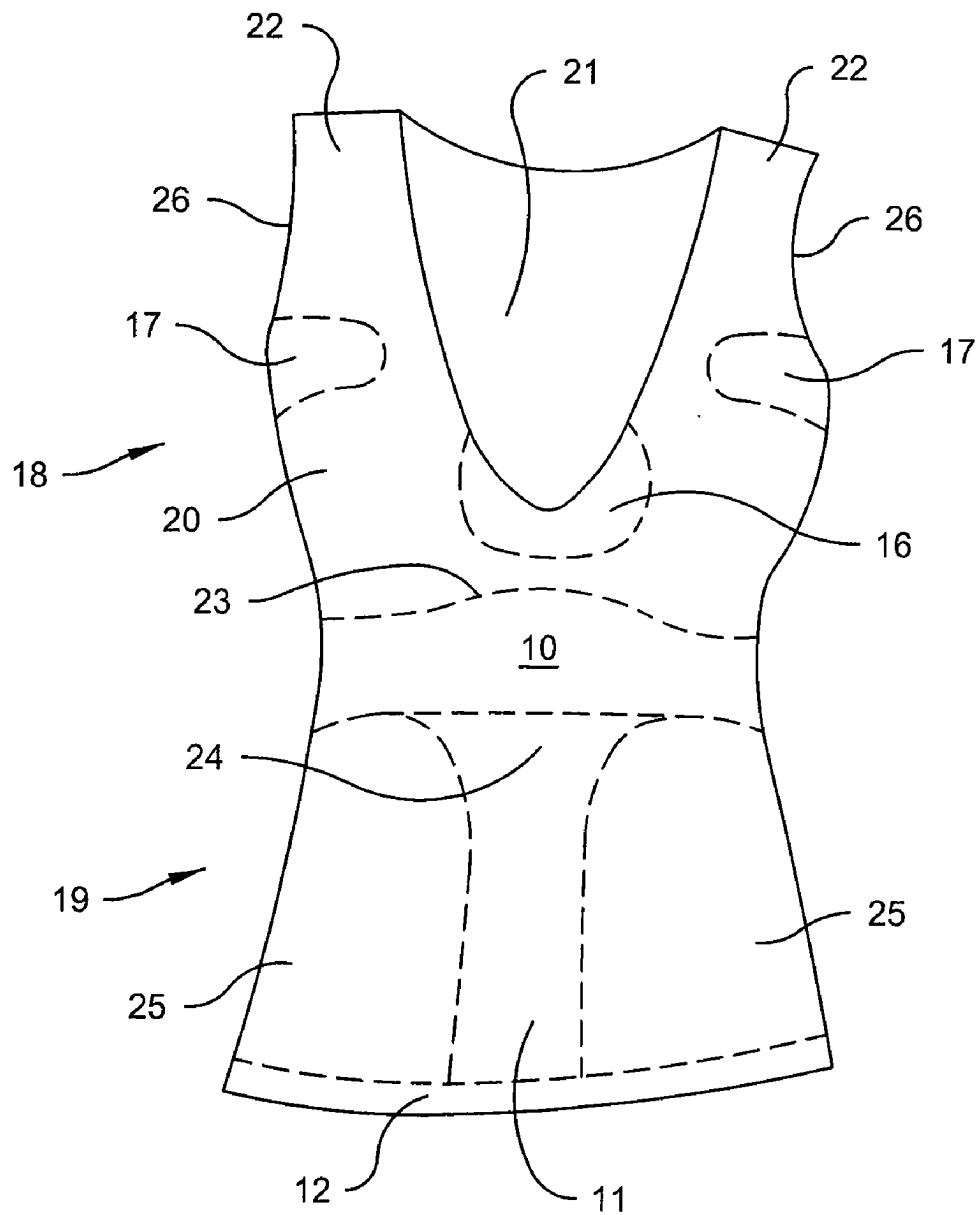


Fig. 1

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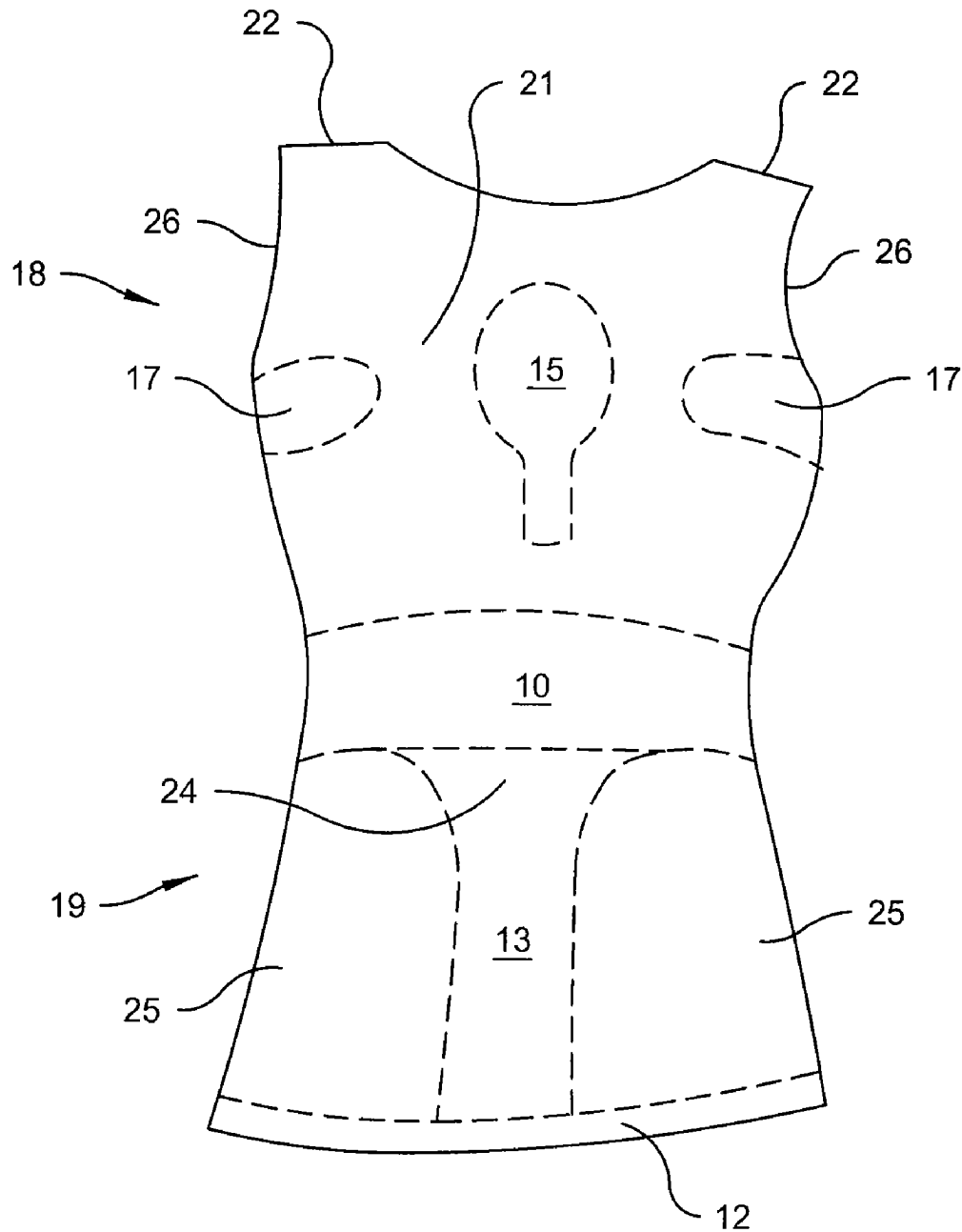


Fig. 2

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SEAMLESS UPPER BODY GARMENT**CROSS-REFERENCE TO RELATED APPLICATION**

This application claims the benefit under 35 U.S.C. § 119 (e) to U.S. Provisional Patent Application No. 60/628,522, filed Nov. 15, 2004.

BACKGROUND OF THE INVENTION

The present invention relates to garments, particularly those that can be worn as women's undergarments or as day wear. In particular, the present invention relates to an improved seamless upper body garment of unitary construction.

No matter how slender a woman is or how much exercise a woman does, girdles and bras can create visible back lines and bulging. A wide variety of girdles and bras have been available for hundreds of years, all sacrificing a smooth, lineless back for full support in the front. In the past, full support could not be achieved without uncomfortable, unsightly back straps. Prior undergarments resulted in visible lines from supporting members such as bra straps and internal shelf bras, and from seams that formed the edges of bras and panties. In addition, prior undergarments caused a wearer's extra flesh to be forced into unsightly bulges.

SUMMARY OF THE INVENTION

The present invention provides a solution to the problems outlined above, and provides a means for slimming and sculpting the wearer's body without any visible lines and without causing any unsightly bulges. The present invention provides a means for sculpting the exterior surface of the body by exerting forces on the body to compress and control various portions of the body, while allowing free movement. The present invention provides upper body garments that are made from breathable fabric, and that can have breathable portions thereof, and that lack unsightly seams or visible support members such as straps.

Specifically, the present invention provides a seamless women's knitted upper body garment comprising a substantially horizontal circumferential support band, and a dorsal and a ventral substantially vertical support panel contiguous with the circumferential band.

BRIEF DESCRIPTION OF THE DRAWINGS

FIGS. 1 and 2 are front and back views, respectively, of the garments of the present invention.

DETAILED DESCRIPTION OF THE INVENTION

The present invention will be more fully understood by reference to the drawings and description below. Variations and modifications thereof are within the scope of the invention, and will be obvious to those skilled in the art.

FIG. 1 is a front plan view of a knitted upper body garment of the present invention. The garment has an upper torso region 18 and a lower torso region 19. The upper torso region 18 includes a bust area 20 that may be connected to an upper back area 21 by shoulder straps 22. A horizontal circumferential support band 10 is positioned just below the bust line 23. The band 10 completely encircles the garment, and is generally about from 1-4 inches wide, and preferably about 1

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inch wide, extending toward a waist region 24 separating the upper torso region 18 from the lower torso region 19.

The garment further comprises side portions 25 flanking a ventral substantially vertical support panel 11. The vertical ventral support panel is contiguous with the circumferential band 10, and is typically about from 3 to 8 inches wide. The side portions 25 and the ventral vertical support panel 11 extend downward from the bottom of the circumferential support band 10. Accordingly, the vertical ventral panel 11 is typically about from 12 to 15 inches long, and preferably about 13 inches long, extending to a hem 12. The side portions 25 also extend to the hem 12.

As shown in FIG. 2, the garments of the present invention also comprise a dorsal substantially vertical support panel 13 flanked by the side portions 25. As with the ventral panel 11, the dorsal panel 13 preferably extends from the bottom of the circumferential support band 10 to the bottom hem 12 of the garment.

The garments of the present invention preferably further comprise a dorsal ventilation portion 15, as shown in FIG. 2. It is also preferred that the garments comprise a ventral ventilation portion, as shown in FIG. 1 as 16. It is further preferred that the garments comprise side ventilation panels 17. The side ventilation panels, where present, can be prepared using a pique stitch in the knit, although other stitches can be used, as will be evident to those skilled in the knitting art.

The garments of the present invention can be prepared with a conventional circular knitting machine. Two such machines which can be used in preparation of the garments of the instant invention are those commercially available from Santori and Sangiacamo. In the operation of such knitting machines, the particular configuration of the knit is programmed into the machine. A variety of stitches can be used to prepare the garments of the present invention, including, for example, 2x1 ribbing, waffle or tucking stitch and pique stitching. The stitch is adjusted to provide the required circumferential band and the dorsal and ventral panels. In general, the side panels 17, where present, and the side portions 25 have a lower elasticity than the circumferential band or the dorsal or ventral panels. Typically, the side panels 1, where present, have an elasticity of about from 10-15%. A pique stitch is preferred for side panels 17, when used.

The stitching in the knitting and the yarns used are adjusted to provide increased elasticity in the required components in the present garments. The circumferential band 10 and the specified panels 11 and 13 should provide, through selection of the knitting yarn and the stitch used in the production of the garment, an elasticity of at least about 15%, and preferably at least about 30%, and especially at least about 40%, greater than the elasticity of those portions of the garment other than the dorsal or ventral panels and the circumferential band.

The knit of the overall garment can be adjusted on the knitting apparatus. A maximum stretch of about from 40 to 50% is typically used, and a maximum stretch of about 44% is particularly preferred.

In the construction of the present garments, arm holes 26 are positioned short, such that their lower edges sit immediately below the average size women's underarms so that no excess skin or bulge can occur, and re-distribution of any such skin would be beneath the garment.

The yarn used in the preparation of the garments of the instant invention can be selected from a wide variety of known textile yarns with an elasticity of least about 5%. The specific polymer used can vary widely, and can be selected, for example, from nylons, elastomeric polyesters, polyester microfiber, and spandex. A blend of microfiber nylon and

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spandex is preferred in the present invention, especially in a ratio of about 95/5 percent by weight.

The garments of the present invention, when worn, lift the bust line comfortably without causing visible back lines and bulges, gently slim the torso from a point below the bust line to the area below the hips, create a smooth and bulge-free back as excess skin is distributed evenly, and are lightweight and breathable. In addition, the garments can be worn for both under and outer wear.

The garments can have the general shape of a conventional women's top and generally fit over the head and encircle the upper body from the neck down to the hips. Various necklines and overall designs can be used, including V-neck, scoop, crew, cami and bustier. With some designs, the wearer can step into the garment rather than putting it on over the head.

The material of manufacture can be any lightweight, soft, breathable comfortable material that contains an elastomeric component or is elastomeric. Representative elastomeric materials which can be used include spandex and microfiber stretch nylon. Such material and fabric are known in the art. Preferably, the garment includes an extra long tail so that it will remain tucked in.

The back portion **21** of the present garments extending around from the bust area **20** encircles the upper middle back and shapes the upper back and lifts the bust line without creating visible bra lines in the back area. The invisible bra effect could not be accomplished without both styling and a variety of commonly used seamless stitching. The styling is accomplished by the position of the alternate stitching. One type of stitching provides general support, and another is more tightly constricting, thus shaping the desired areas. The lower torso region **19** of the garment can comprise circumference compression features created by stitching and a combination of stretch yarns that gently shapes and smoothes the wearer's lower torso from the bust line **23** down to the hips; effectively and strategically smoothing the area about the pant line and not allowing for bulging of the body. Further, the area of the garment vertically in the front and back deferred by the support panels **11** and **13** can comprise a vertically oriented structure, created by the inclusion of an alternate material and/or alternate stitching pattern, to help slim and smooth both middle sections in the front of the abdomen and middle of back (one could not work without the other) as well as helping to improve posture.

The seamless garments of the present invention evenly distribute the pressure throughout the wearer's back in order to provide full support in the front. The result is a smooth, lineless back. The circumferential horizontal band in the present garments permits the bust line to be lifted and enhanced.

Gentle slimming and smoothing is accomplished in the garments of the present invention with the combination of yarns, panels and bands of the garments. Many shapers and bras previously available create bulges due to stopping and starting of materials. For example, a bra's back straps cut into the middle of back and make skin bulge, and bustier shapers create a bulge across the top of the back. Similarly, shelf bras, which have been used internally in garments create bulges and lines. The garments of the present invention seamlessly cover the large areas so there is no stopping or starting of materials from the neck to under the hips. The garments create a smooth lineless back and evenly distribute excess skin through the torso.

With the increased popularity of low rise pants, many average size women have bulges above the pant-line. A preferred embodiment of the garment of the present invention includes an extra long tail. In this embodiment, the tail extends from 20

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to 22 inches from the collar to the hem **12** of the garment, and preferably about 21 inches. The extension of the dorsal vertical support panel **13** to the bottom of the garment further aids the performance of the garment in this regard. This longer tail helps to slim the area and evenly distribute excess skin above the pant line, creating a smoother, bulge free look. To achieve the desired slimming and smoothing, pique and waffle stitching can be placed in the preferred ventilation panels under the arms, along the middle of the back, and along the sides side portions **25** of the torso. The pique and waffle stitching can also be used to increase breathability of the garment.

Many garments previously used can be worn for a limited time due to tight, unbreathable fabric. The garments of the present invention, made using a blend of yarns (micro-fiber nylon and Lycra) and using stitching patterns that yield superior breathability allow for 24 hour comfort and all season wear. In addition, pique stitching can be used for ventilation, and ventilation panels **15** and **17** can be located on the back and under the arms on the garment. Two by one stitching can be used to provide support and control, while other combinations can be used.

The garments of the present invention, with their combination of panels and bends, can improve posture. Most other garments that support and slim below the abdomen have snaps in the groin area to hold them in place. The garments of the present invention, with the specified combination of unitary construction and integrated band and panels, help to prevent roll-up.

A welt knit or hem can be added to bottom of the tail of the garment to help keep the garment below the hips. The welt can comprise an elastic, a microfiber, spandex, or a combination of these fibers. The dimensions of this element will vary with the style of the garment and the specific fiber used for the construction.

The garments of the present invention can be made from a wide variety of materials. A variety of commonly used seamless stitching patterns along with styling and advanced elastic yarns all in combination create a breathable, comfortable top that can be worn as inner or outer and exercise wear. Signature components of these tops can include fall support that lifts and enhances the bust, noticeable all over upper body slimming, and improved posture; all without creating visible back lines and bulges.

I claim:

1. A seamless women's knitted upper body garment comprising an upper torso region and a lower torso region, the upper torso region including a bust area having a bust line and a back area, the garment further comprising a waist region between the upper region and the lower region and a substantially horizontal circumferential support band extending from just below the bust line toward the waist region, a dorsal substantially vertical support panel and a ventral substantially vertical support panel, the dorsal and ventral substantially vertical support panels being contiguous with the circumferential band and having the same stitching as the circumferential band, the dorsal and ventral substantially vertical support panels being flanked by side portions of the garment, the side portions extending from the circumferential band to a lower hem forming the bottom of the garment at a hip area of a user of the garment.

2. A seamless garment of claim 1 further comprising two side ventilation panels.

3. A seamless garment of claim 2 wherein the side ventilation panels are prepared using a waffle or tucking stitch.

4. A seamless garment of claim 2 wherein the side ventilation panels are prepared using a pique stitch.

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5. A seamless garment of claim 1 fabricated from at least one yarn selected from the group consisting of spandex, polyester, nylon, elastomeric material, polyester microfiber, and elastomeric fiber.

6. A seamless garment of claim 5 comprising a blend of nylon and spandex.

7. A seamless garment of claim 6 wherein the nylon and spandex are present in the yarn in a ratio of about 95/5 percent by weight.

8. A seamless garment of claim 7 wherein the nylon comprises microfiber nylon.

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9. A seamless garment of claim 1 in which the dorsal support panel extends about from 20 to 22 inches from the collar to the bottom of the hem.

10. A seamless garment of claim 9 wherein the dorsal support panel extends about 21 inches from the collar to the bottom of the hem.

11. A seamless garment of claim 1 wherein the dorsal and ventral substantially vertical support panels extend to the bottom of the hem.

* * * * *

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

CASS AND CREW INC., LLC

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) ATTORNEYS (FIRM NAME, ADDRESS AND TELEPHONE NUMBER)

Richard K. Herrmann/Mary B. Matterer/Amy Arnott Quinlan
 Morris James LLP
 500 Delaware Avenue, Suite 1500
 Wilmington, DE 19801
 302-888-6800

DEFENDANTS

MGI GRAPHICS, INC.

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT _____
(IN U.S. PLAINTIFF CASES ONLY).

ATTORNEYS (IF KNOWN)**II. BASIS OF JURISDICTION** (PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|--|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated <i>or</i> Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated <i>and</i> Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury Med. Malpractice <input type="checkbox"/> 365 Personal Injury – Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Arts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence HABEAS CORPUS: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt Relations <input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS – Third Party 26 USC 7609

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

Action for patent infringement under 35 U.S.C. §§ 1 et seq.

VII. REQUESTED IN
complaint:

CHECK IF THIS IS A CLASS ACTION

DEMAND \$

CHECK YES only if demanded in

COMPLAINT: ☐ UNDER F.R.C.P. 23JURY DEMAND: ☒ YES ☐ NO**VIII. RELATED CASE(S)**
IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

July 10, 2008

/s/ Mary B. Matterer

FOR OFFICE USE ONLY

RECEIPT#

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE